

REMARKS

The present amendment is responsive to the Office Action mailed March 24, 2005. At the outset, it is noticed that the Office has checked the "Some" box in item 12 of the Office Action Cover Sheet, relating to priority under 35 U.S.C. §119. However, the detailed Office Action does not specify which, if any, priority documents were not received. Clarification is respectfully requested.

One drawing sheet was submitted with this application as evidenced in element 11 of the PTO stamped return postcard, a copy of which is attached hereto.

The originally filed drawings have been amended to conform to 37 C.F.R. §1.83. As required, an annotated sheet and a replacement sheet are being filed herewith.

A substitute specification is also included herewith for filing. The substitute specification includes the requisite section headings, paragraph numbers, and an Abstract. The substitute specification corrects a number of typographical errors and includes the requisite priority claim.

Claims 1-10 have been canceled and new claims 11-19, are presented herewith. It is believed that the new claims define the recited embodiments with the requisite degree of particularity to satisfy both the Examiner's specific objections as well as 35 U.S.C. §112. Improper multiple dependencies have been removed.

The use of the phrase "transmission space" is maintained, however. Within the context of the present application, this phrase is used in the claim recitation "directly receiving any codes transmitted from the second mobile device when the first and second mobile devices are located within a predetermined operational distance from one another that defines a transmission space". The transmission space, therefore, may be defined by the predetermined operation distance

around a transmitting mobile device within which the mobile device may communicate with other mobile devices.

Reconsideration and withdrawal of the objections and the rejection under 35 U.S.C. §112(2) are, therefore, respectfully requested.

Claims 1-10 were rejected as being anticipated by Shapira. Reconsideration and withdrawal of these rejections are respectfully requested.

At the outset, kindly note that independent claim 11 recites:

directly receiving any codes transmitted from the second mobile device, irrespective of a geographical location of the first mobile device, whenever the first and second mobile devices are turned on and are located within a predetermined operational distance from one another that defines a transmission space, the transmitting and receiving steps being configured to be initiated by either the users of the first or second mobile devices at any time, and

signaling to users of both the first and second mobile devices when one or more user-selected codes transmitted by the first mobile device matches one or more codes transmitted by the second mobile device.

and independent claim 16 recites:

wherein the mobile device is configured to alternately broadcast the user-selected codes corresponding to the user's goals, interests and sectors of interests and to directly receive codes from an other mobile device, irrespective of a geographical location of the mobile device, whenever the mobile device is turned on and located within a predetermined operational distance from the other mobile device, so as to define a transmission space, the mobile device being further configured to signal the user when one or more of the received codes matches one or more of the user-selected codes stored in the programmable database.

Therefore, each independent claim recites that the mobile devices signal to their respective users when matching codes are received. Such codes are directly received, as claimed, whenever the mobile devices are turned on and are located within a predetermined operational distance from one another that defines a transmission space. This happens, as claimed, irrespective of the geographical location of the mobile devices.

In contrast, Shapira teaches a system in which user's personal devices 14 must be within the "given area" of the base or local control unit 16. This given area is shown in the drawings by reference 18. According to embodiments of Shapira, if the personal devices 14 are not located within a base control unit's given area 18 (i.e., within the direct vicinity of a local control unit 16), no communication takes place and no signaling of users having matching interests occurs. In direct contrast, the claimed embodiments specify that signaling occurs when matching codes are received when the mobile devices are within the predetermined operational distance from one another that defines the transmission space, and this irrespective of the geographical location of the mobile devices (i.e., within a given area or not).

In column 8, line 67 to column 9, line 19, Shapira describes another version of his system:

In another alternative embodiment in accordance with the invention, where potential matching parties are expected to be geographically close together at the outset of a search, the personal devices 14 may include self-contained transceivers, memory means holding the user's personal data, a microprocessor, and some form of display or indicator. When the person is outside the service area 18 of a local control unit 16, on a periodically timed basis, for example, every thirty seconds, the transceiver transmits the user's personal data. Between these transmissions, the transceiver listens for data transmitted from other nearby personal devices and the processor in the personal device compares any incoming personal data with the user's stored data. When there is a match, the display (e.g., LCD) or buzzer of each matched person's personal device is activated. Where a display is used, the first name of the other party may appear. The parties can then converse by transceiver to complete meeting arrangements. Operation is autonomous and in real time without any intervention by a local control unit 16.

Therefore, Shapira discloses that the personal devices 14 may include self contained transceivers configured to operate outside of the service area 18. However, when the personal devices 14 return to the "service area 18", the personal devices revert back to an operational mode in which they are partially inactivated so that only reception and transmission of signals between the local control unit 16 and the personal device 14 is possible:

When such a personal device with an autonomously operable transceiver is brought within the service area 18 of a local control unit 16, signals from

the local control unit 16 partially inactivate the user's personal device so that only reception and transmission of signals between the local control unit 16 and the personal device 14 is possible. Thus, the local control unit 16 prevents autonomous operation by a user of his/her personal device. Column 9, lines 20-28.

Therefore, within the variously termed "service area" or "given area" 18, the personal devices are specifically taught to NOT communicate directly with one another – any communication within a service area 18, must be carried out through a local control unit 16.

In direct contrast, each of the independent claims specifies that codes are directly received from other mobile devices, irrespective of the geographical location of the other mobile device(s) (i.e., within or outside any given area), which is not the case in the applied reference to Shapira. Thus, Shapira does not meet the claimed elements.

It is believed, therefore, that the 35 U.S.C. §102(b) rejections of the claims has been overcome. Reconsideration and withdrawal of these rejections, therefore, are respectfully requested.

It is believed, therefore, that the present amendment overcomes the outstanding rejections and places this application in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the Examiner have any further questions regarding this amendment or the application in general, he need only call the undersigned, and whatever is needed will be done at once.

Respectfully submitted,

Date: Aug 24, 2005

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PCT/FR99/01173

Appl. No. 09/700,697
 Amdt dated 07/21/05
 Reply to Office Action of 03/24/05
 ANNOTATED SHEET SHOWING CHANGES

1/1

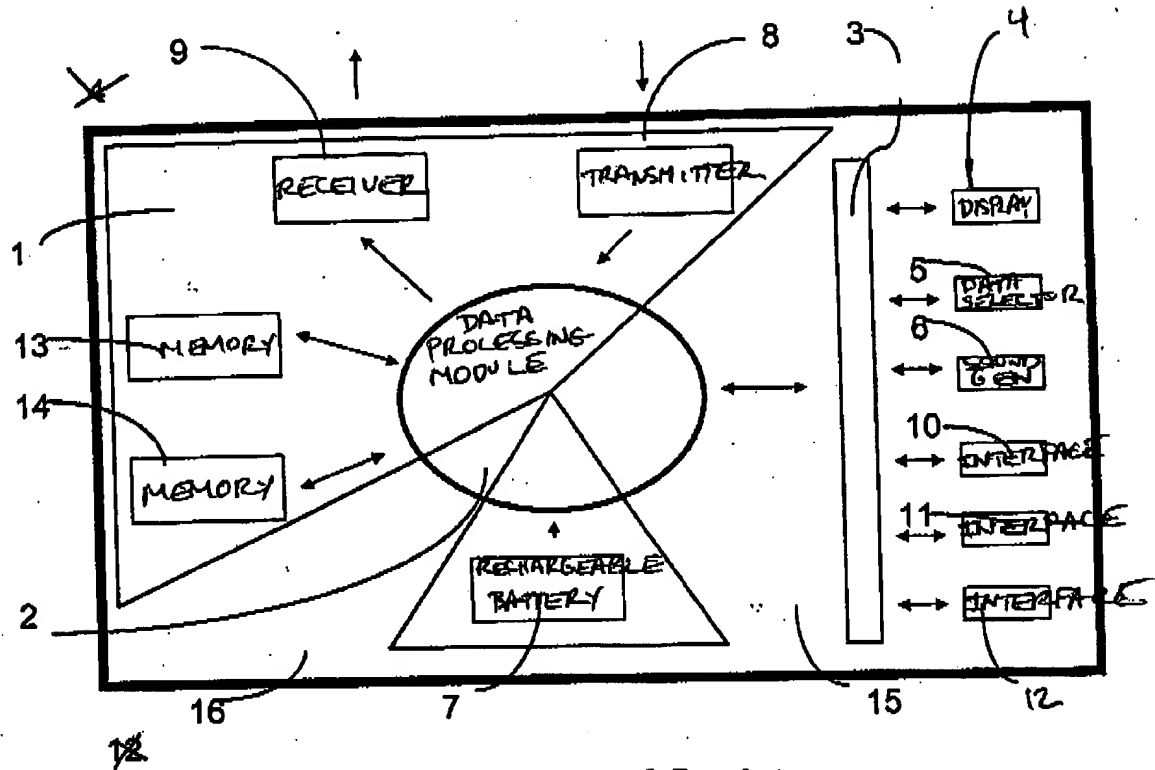


FIG. 1

